

MINUTES
INDIANA STATE BOARD OF DENTISTRY
JULY 11, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Williams called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Galen Williams, D.D.S., President
Jill Burns, D.D.S., Vice President
Matthew Miller, D.D.S., Secretary
Richard T. Newton, D.D.S.
Gary Haller, D.D.S.
Theodore Rokita, D.D.S.
Philip Catey, D.D.S.
Steven Hollar, D.D.S.
Charles Heape, D.D.S.
Clance LaTurner, Consumer Member

Board Members Absent:

Laverne Whitmore, L.D.H., B.S.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

BURNS/LaTURNER
Motion carried 9-0-0
Dr. Hollar was not present

III. ADOPTION OF THE MINUTES FROM THE JUNE 6, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the June 6, 2008 meeting of the Board.

CATEY/BURNS
Motion carried 9-0-0
Dr. Hollar was not present

IV. APPEARANCES

A. PROBATIONARY

1. Tammy Bacon, L.D.H., License No. 13005564A

Ms. Bacon appeared before the Board, as requested, regarding her probationary status. She informed the Board she is enrolled in the Alpha Resources Program and is regularly attending meetings. She advised she is not taking any medications. The Board requested that monthly reports from Alpha Resources be mailed to the Board the week before the meeting so they will have the report in hand when she appears.

2. State of Indiana v. Christopher Leonard, D.D.S., License No. 12009363A
Administrative Cause No. 2005 DB 0002

Dr. Leonard appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Leonard told the Board things have been tough financially with his practice. He has downsized staff and now needs to downsize his office space. He stated his recovery is still very strong and told the Board the medications he is currently taking. Dr. Leonard stated that his wife has not been to his office. Dr. Leonard stated that he still volunteers at the Esperanza Clinic in Greenwood. He enjoys his volunteer work very much.

3. State of Indiana v. Trevor Treasure, D.D.S., License No. 12010719A
Administrative Cause No. 2007 ISDB 0002

Dr. Treasure appeared before the Board, as requested, regarding his ongoing probationary status. He told the Board he has submitted his renewal application for his controlled substance registration (CSR). Ms. Vaught advised that she forwarded it on to the Controlled Substance Advisory Committee for their review. The next meeting is set for July 25, 2008 at 9:00 a.m. Dr. Treasure was advised to be present at this meeting in order to answer any questions the Committee may have regarding his renewal and positive response. Dr. Treasure stated he is doing well at work and with his recovery.

B. APPLICATION

1. Mobile Care 2U

George Thornton appeared before the Board to speak on behalf of Mobile Care 2U. He told the Board that in 2002 there were four mobile dental groups providing oral health care services to nursing home residents in Indiana. He stated that after the Medicaid cuts in late 2002 and early 2003 only two groups were left and as of February 2008 there was only one group left to provide these services. He explained the elderly nursing home population has a great need and they are currently under served in Indiana. This is why he was looking for a company to come to Indiana and found Mobile Care 2U. He stated Mobile Care 2U will provide full-service care to patients because they have state-of-the-art portable operatories, x-ray systems, and they have established funding. He believes they are patient-focused with genuine concern for the elderly population they treat.

David Leek and Richard Wentz of Mobile Care 2U appeared before the Board to answer questions after resubmitting their application for approval as a mobile dental facility. The Board noted that they have added names of local dentists to act as back-up providers. Mr. Leek stated the local dentists are not contracted with Mobile Care 2U but have agreed to go to the homes and provide care if needed. He stated that the Mobile Care 2U doctors are contracted to respond to emergencies and will do so ninety-nine percent (99%) of the time. He further

explained a copy of the patient records will remain at the nursing home. The Board asked about the x-rays and Mr. Leek stated for now the doctor will keep the x-rays with them. X-rays will not be left at the nursing home but will be made available to the doctor within 24 hours. The Board expressed dismay with this and Mr. Leek stated they are going to digital radiographs this year. The Board suggested they may want to use duplicate films. This way one could remain at the nursing home. The Board discussed the emergency contact procedures. The Board had concerns that a clinical coordinator, who is not a dentist, is on call at the 24-hour answering service. The clinical coordinator will then make the decision as to whether a situation is an emergency or not. Mr. Wentz explained that the clinical coordinator has a list of questions to ask which helps assess the nature of the emergency and based on the answers to the questions a decision is made to call the on-call dentist and the dentist will decide if it is an emergency. The Board asked if the nursing home staff has a direct phone number to the dentist. Mr. Wentz responded they do not because they want to avoid many frivolous calls to the dentist at home. The Board continued to ask questions of how emergencies are handled. Mr. Leek again stated that they will almost always be able to cover all of their follow-up calls and will rarely need to utilize a local back-up dentist. He stated that if you took Mobile Care 2U out of the equation then the nursing homes are in a worse position because most dentists will not go and serve this population. He expressed how much they care about serving the elderly population and that they have an exemplary work record in other states. The Board asked what quality control protocols they have in place with regards to their dental staff. They explained nursing homes answer surveys and they have a dentist who goes to the homes and checks on work and makes sure protocols are being followed. They advised they have had no lawsuits and submitted several letters of support from various nursing homes with there application.

Board Action: A motion was made and seconded to approve Mobile Care 2U application for a Mobile Dental Facility and to grant licensure.

MILLER/NEWTON
Motion carried 10-0-0

C. RENEWAL

There were no scheduled appearances for renewal.

V. ADMINISTRATIVE HEARING

- A. State of Indiana v. Daniel J. Fink, D.D.S., License No. 12007602A**
Administrative Cause No. 2006 DB 0006
Re: Request to Modify Order of Probation

Parties and Counsel Present:

Respondent was present and was not represented by an attorney.
Mark Mader, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Board Members:

Dr. Williams (Hearing Officer)
Dr. Burns
Dr. Miller

Dr. Newton
Dr. Hollar
Dr. Catey
Dr. Heape
Dr. Haller
Dr. Rokita
Ms. LaTurner

Case Summary: Respondent petitioned the Board to modify his Probationary Order to allow him to reduce his personal appearances from monthly to quarterly. The Board noted that his Order states he can request quarterly appearances after six (6) months and that the appropriate amount of time has passed. The State advised the Board to consider the Respondent's request only if he is in compliance with all other aspects of his Probationary Order. The Board noted that he is in compliance with the current terms of probation. Dr. Fink does not have a supervising monitor in order to begin practicing dentistry at this time. Dr. Fink stated the monitor he had lined up has withdrawn due to health issues and he asked the Board about the possibility of working in a controlled setting such as a public or a non-profit facility where he would be the only doctor. The State reminded the Board that this is a hearing to modify his personal appearances and they opposed this topic being discussed. The Board told the Respondent his Order says he must have an on-site monitor who is a supervising dentist and he would need to request another hearing to discuss this issue. The Board asked about the status of his Illinois license and he stated it was denied. The Board noted that if they grant his request to reduce his appearances his next appearance will be scheduled for October 3, 2008.

Board Action: A motion was made and seconded to grant Dr. Fink's request and modify his Probationary Order from monthly appearances before the Board to appearing on a quarterly basis.

BURNS/HEAPE
Motion carried 9-1-0
Dr. Hollar dissented

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. OLD/NEW BUSINESS

1. Ms. Vaught informed the Board of the new security measures being implemented at the Indiana Government Center South (IGCS). Everyone will need to enter the IGCS building through the 302 West Washington Street entrance and will need to go through the security measures in order to be admitted to the building. The new procedures will begin on July 21, 2008.
2. Ms. Vaught posed two questions to the Board that was submitted via email. The first Question, can a dental hygienists use lasers when performing soft tissue curettage or periodontal therapy. The Board responded that dental hygienist may not use lasers on soft tissues.

The second question, can a dental hygienist use the light for Zoom Whitening. The Board responded that the dental hygienist may use the light but the dentist is required to put the chemicals on.

3. The Board discussed and agreed that they will cancel their August 1, 2008 Board meeting. The next meeting is set for September 5, 2008.

IX. DISCUSSION

- A. Robert F. Liebler, D.M.D., FICD, Executive Director**
Christian Dental Society
Re: Rules and Regulations for Volunteering

The Board reviewed a letter from the Christian Dental Society inquiring about how they can help the indigent population in the United States and what Indiana's laws state with respect to dentists volunteering that are not licensed in Indiana. Advisory Counsel Liz Brown informed the Board that Indiana law does not have a provision which allows this practice and it would require a statutory change. The Board asked Ms. Vaught to respond explaining that the statute does not have a provision for this type of practice.

- B. Arthur J. Nowak, D.M.D., FAAPD, Executive Director**
The American Board of Pediatric Dentistry, Inc.
Re: Terminology in Board Regulations

The Board reviewed a letter from Dr. Nowak expressing conflict with State Dental Boards who are using the terminology "Board Eligible" in their regulations. The Board noted that nowhere in the Indiana laws is the term "Board Eligible" used so this concern does not apply to Indiana.

X. APPLICATION REVIEW

A. Endorsement

1. David R. Cleppe, D.D.S.

The Board reviewed Dr. Cleppe's application file by endorsement. Dr. Cleppe is a 1983 graduate from Indiana University and has taken and has passed National Boards. He has also taken and passed the North East Regional Board of Regional Dental Examiners (NERB) examination. He holds an active license in the state of Michigan, an inactive license in Illinois and an expired license in Pennsylvania. On his application he answered "yes" to question #2 asking, "Have you ever been denied a license, certificate, registration or permit that you hold or have held?" In a notarized written statement Dr. Cleppe explained he was previously denied an Indiana dental license in September 1983 due to failing a portion of the state constructed clinical examination.

Board Action: A motion was made and seconded to approve Dr. Cleppe's application for dental licensure upon taking and passing the law examination.

HALLER/HOLLAR
Motion carried 9-0-0
Dr. Miller was not present

2. Min Chul Kwon, D.D.S.

The Board reviewed Dr. Kwon's application file by endorsement. Dr. Kwon is a 1997 graduate of the University of Michigan and has passed the National Boards. He has also taken and passed the North East Regional Board of Regional Dental Examiners (NERB) examination. He is currently licensed in the State of Michigan. On his application he answered "no" to all questions but the National Practitioner Data Bank reported he had a malpractice settlement in the amount of \$7,500.00. Dr. Kwon submitted a notarized written statement explaining the settlement payment and that it was paid by his insurance company to a patient over a crown placement.

Board Action: A motion was made and seconded to approve Dr. Kwon's application for dental licensure upon taking and passing the law examination.

HALLER/HOLLAR
Motion carried 9-0-0
Dr. Miller was not present

B. Examination

1. Katherine Marie Thompson, D.D.S.

The Board reviewed Dr. Thompson's application file by examination. Dr. Thompson is a 2003 graduate of Boston University and has passed National Boards. She has also taken and passed the North East Regional Board of Regional Dental Examiners (NERB) examination. She holds an active license in the state of Ohio and an expired license in Pennsylvania. On her application she answered "yes" to question #4b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony, in any state?" In a notarized written statement Dr. Thompson explained that in 1992 she was convicted of petty theft for trying to steal clothes but the conviction was dismissed. The Board further examined her work history and determined she needs to apply by endorsement and not by examination.

Board Action: A motion was made and seconded to notify Dr. Thompson that she will need to apply by endorsement and submit all documentation as required. Upon completion of the requirements by endorsement and passing the law examination, Dr. Thompson may be granted a dental license.

BURNS/HOLLAR
Motion carried 9-0-0
Dr. Miller was not present

2. Heather Lynn Mitchell, L.D.H.

The Board reviewed Ms. Mitchell's application file by examination. Ms. Mitchell is a 2008 graduate from Indiana University Purdue University located in Ft. Wayne, Indiana. She has taken and passed the National Boards and the North East Regional Board of Regional Dental Examiners (NERB) examination. On her application she answered "yes" to question #4b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony, in any state?" In a notarized written statement Ms. Mitchell explained that in November 2005 she was arrested for an underage drinking offense. She has complied with all the requirements of the court.

Board Action: A motion was made and seconded to approve Ms. Mitchell's application for licensure as a dental hygienist upon taking and passing the law examination.

BURNS/HOLLAR
Motion carried 9-0-0
Dr. Miller was not present

3. Kristina Marie Kayser, L.D.H.

The Board reviewed Ms. Kayser's application file by examination. Ms. Kayser is 2008 graduate from the University of Southern Indiana and has taken and passed the National Boards. She has also taken the North East Regional Board of Regional Dental Examiners (NERB) examination. On her application she answered "yes" to question #3 asking, "Are you now or have you ever been treated for drug or alcohol abuse?" and question #4b, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony, in any state?" In a notarized written statement Ms. Kayser explained that in February 2008 she was convicted of an OWI. She was required to complete one year of probation which included an intensive outpatient substance abuse program, complete abstinence from alcoholic beverages and community service. Currently, Ms. Kayser has complied with all requirements of the court

Board Action: A motion was made and seconded to approve Ms. Kayser's application for licensure as a dental hygiene upon taking and passing the law examination.

BURNS/HOLLAR
Motion carried 9-0-0
Dr. Miller was not present

C. Anesthesia and Sedation Permits

There were no anesthesia and sedation permits.

D. Dental Intern Permit

1. Michael J. Saumur, D.D.S.

The Board reviewed Dr. Saumur's application for his dental intern permit. Dr. Saumur is a 2008 graduate from Oklahoma University and taken and passed the National Boards. Dr. Saumur has requested an intern permit to participate in an internship at Indiana University under Harry Papadopoulos, D.D.S. from July 1, 2008 to June 30, 2009. On his application he answered "yes" to question #4b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony, in any state?" In a notarized written statement Dr. Saumur explained that in September of 1995 he pled guilty to DUI which was a misdemeanor. He satisfied all requirements of the court.

Board Action: A motion was made and seconded to approve Dr. Saumur's application for a dental intern permit.

BURNS/HOLLAR
Motion carried 9-0-0
Dr. Miller was not present

E. Mobile Dental Facility

There were no mobile dental facility applications to review.

F. Instructors License

There were no instructors' license applications to review.

G. Professional Corporations

There were no professional corporation applications to review.

XII. PROBATIONARY REPORT

A. James Cahillane, D.D.S.

Dr. Heape reviewed Dr. Cahillane's probationary file. His report from the Indiana Dental Well-Being Program for June 2008 was reviewed and accepted.

B. Penelope Dunlap, D.D.S.

Dr. Heape reviewed Dr. Dunlap's probationary file. Her worksite monitoring report from Dr. Hake for June 2008 was reviewed and accepted.

C. Teresa M. (McCrady) Goodman, D.D.S.

Dr. Heape reviewed Dr. Goodman's probationary file. Her report from the Indiana Dental Well-Being Program and worksite monitor Dr. Charles Miller, for June 2008 were reviewed and accepted.

D. Marcy Huth, L.D.H.

Dr. Heape reviewed Ms. Huth's probationary file. Ms. Huth has paid her fine of \$250.00 and notified the Board that she is not currently employed as a dental hygienist.

E. Bland Pope Walker, D.D.S.

Dr. Heape reviewed Dr. Walker's probationary file. His report from the Indiana Dental Well-Being Program for June 2008 was reviewed and accepted.

XIII. CONTINUING EDUCATION

1. Gloria Bolejack/Grapevine Seminars

Dr. Newton reviewed Ms. Bolejack's application as a continuing education provider. Upon review, the application was found to be in order.

Board Action: A motion was made and seconded to approve Ms. Bolejack's application as an approved continuing education provider until March 2, 2008.

NEWTON/LaTURNER
Motion carried 10-0-0

XIV. REPORTS

- A. Dr. Williams discussed some modifications and suggestions to the proposed disciplinary guidelines. He stated suggestions from Dr. Haller and Ms. Whitmore have been forwarded to Dr. Miller.
- B. Dr. Heape discussed his work on mobile dental facilities after studying Florida laws and their disciplinary guidelines. The Board discussed some proposed requirements of utilizing duplicate x-rays.
- C. Dr. Burns attended a NERB meeting and reported some topics of discussion. They were: finding ways to have dentists to be instructors at dental schools, teeth whitening in spas and kiosks, and lead in the labs.

XV. ASSOCIATION REPORTS

A. Indiana Dental Association

They advised they did not have a report.

B. Indiana Dental Hygiene Association

They advised they will have a list of questions to submit to the Board for review.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 11:00 a.m.


Galen Williams, D.D.S., President

9/5/08
Date


Matthew Miller, D.D.S., Secretary

9/5/08
Date